

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To: RICHARD D. CONARD BARNES & THORNBURG 11 SOUTH MERIDIAN STREET INDIANAPOLIS, IN 46204	DOCKETED FOR <i>Response to comments</i> BY <i>1</i> WRITTEN OPINION OF THE DATE <i>3/19/05</i> INTERNATIONAL SEARCHING AUTHORITY CHE'D BY _____ DATE _____	PCT (PCT Rule 43bis.1) Date of mailing (day/month/year) 07 MAR 2005
Applicant's or agent's file reference 15690-75971		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/US04/32894	International filing date (day/month/year) 06 October 2004 (06.10.2004)	Priority date (day/month/year) 06 October 2003 (06.10.2003)
International Patent Classification (IPC) or both national classification and IPC IPC(7): F16M 1/00 and US Cl.: 248/638		
Applicant PIMMLER HOLDINGS, INC.		

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer RAMON O. RAMIREZ <i>R. O. Ramirez</i> Telephone No. (703) 308-1113
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/32894

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

a sequence listing
 table(s) related to the sequence listing

b. format of material

in written format
 in computer readable form

c. time of filing/furnishing

contained in international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.

3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
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Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-20</u>	YES
	Claims <u>NONE</u>	NO
Inventive step (IS)	Claims <u>1-20</u>	YES
	Claims <u>NONE</u>	NO
Industrial applicability (IA)	Claims <u>1-20</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-20 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest an apparatus suspending a vibratory element from a support, said apparatus comprising a first element having one end coupled to the support, a second element coupled to the vibratory element for movement relative to the first member, and a tension spring having one end coupled to the first element and a second end coupled to the second member.

Claims 1-20 meet the criteria set out in PCT Article 33(4), and thus meet industrial applicability because the subject matter claimed can be made or used in industry.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claims 1-20 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claims 1 and 16 are indefinite for the following reason(s): lines 5 and 6, lacks antecedent for "the vibratory element"; further it is not clear if the claim is drawn to a subcombination of an apparatus for suspending a vibratory element from a support (as addressed in the preamble), or to the combination of an apparatus and a vibratory element as recited on the body of the claim (see clauses "first member coupled to the support", and "second member coupled to the vibratory element"); claim 16 also presents the clause "coupled to the vibratory element.